MONROE COUNTY CLERK'S OFFICE

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Instrument: AMENDED NOTICE OF MOTION

Control #: 202402230289
Index #: E2024003035

Date: 02/23/2024

Time: 10:56:45 AM

Return To:
JENNIFER MORGAN LEVY
24 N. Main Street
Suite 2
Fairport, NY 14450

Dias, Liyanagamage Ranganath Prabashwara

University of Rochester

Total Fees Paid: $0.00

Employee: CW

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS ENDORSEMENT, REQUIRED BY SECTION 317-a(5) & SECTION 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK

At a Term of the Supreme Court of the State of New York, held in and for the County of Monroe at the Courthouse thereof, located at 99 Exchange Blvd., Rochester, New York, on the _____ day of _____, 20___.

PRESENT: HON. _____
Justice of the Supreme Court

In the matter of the Application of

Liyanagamage Ranganath Prabashwara Dias,

Petitioner,

-vs-

UNIVERSITY OF ROCHESTER,

Respondent.

AMENDED ORDER TO SHOW CAUSE IN A CIVIL ACTION WITH TEMPORARY RESTRAINING ORDER (T.R.O.)

Index No.: E2024003035

Upon reading and filing the affirmation of J. Morgan Levy, Esq. dated February 14, 2024, and upon the exhibits attached to the affirmation, including the Order to Show Cause and Memorandum of Law in Support, as well as Dr. Dias's prior December 2023 Verified Article 78 petition and related exhibits,

Let the Respondent show cause before a Term of this Court, to be held at the Courthouse located at Hall of Justice, 99 Exchange Blvd., Rochester, New York, in room _____ on _____, 20___ at _____ o'clock in the _____ noon or as soon as the parties to this proceedings may be heard why an order should not be made, providing the following relief: a temporary restraining order prohibiting the Respondent from concluding its Investigation into alleged Research Misconduct by Liyanagamage Ranganath Prabashwara Dias (the "Investigation"), until the Grievance Committee pending before Respondent properly adjudicates Mr. Liyanagamage Ranganath Prabashwara Dias' grievance, and all appeals processes related to

this grievance have been exercised, and why Liyanagamage Ranganath Prabashwara Dias, the Petitioner, should not have such other and further relief as may be just, proper and equitable.

Pending the hearing of this motion, it is;

ORDERED that Respondent, University at Rochester, is prohibited from concluding its investigation into alleged Research Misconduct by Liyanagamage Ranganath Prabashwara Dias until his grievance committee pending before the Respondent's University Committee on Tenure and Privileges ("UCTP") has concluded, and all appeals processes related to this grievance have been exercised.

Sufficient cause appearing therefor, let service of a copy of this order, and the other papers upon which this order is granted, upon the Petitioner(s)/Defendant(s) by _____ on or before the _____ day of _____, 20_____ be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order.

ENTER

_____

J.S.C.